

In re ARHAB
09/806,035

Remarks

The Examiner is thanked for the Official Action dated October 2, 2004. This amendment and request for reconsideration is intended to be fully responsive thereto and to simplify issues for Appeal.

Claim 31 was rejected under 35 U.S.C. 112, first paragraph for containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, to make and/or use the invention. Applicant respectfully disagrees. It is first noted that claim 31 has been canceled and the limitations incorporated into claim 1, the sole remaining claim. Moreover, the connection between the tongue and each of the piston and wall does not preclude relative axially movement between the wall and piston. The tongue is connected to the piston and there is no relative movement there between. Similarly the tongue is mounted to the wall and there is no relative movement there between. The arrangement of the present invention, the connection between the tongue and each of the piston and wall being distinct from the rotational connection disclosed by Jandasek which will be discussed in more detail below. However, relative axial movement between the wall and piston is permitted by deformation of the axially elastic tongue 23. Thus the specification is not in contrast to the spring of claim 31 where no degree of freedom exist between the tongue and either the piston and transverse wall and thus claim 1 is believed to be in conformance with 35 U.S.C. 112. It is noted that the Examiner refused

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entry of the previous amendment filed on February 2, 2004 because of the recitation of the word “rigidly” in claim 1. Applicant believes that such word fails to raise a new issue as any connection that provides no degree of freedom between parts inherently must be rigid. Nevertheless, the issue is now moot at the present amendment removes the term “rigidly”. However, the recitation that the “tongues are fixed to the piston and to the transverse wall thereby providing no degree of freedom between the tongues and either the piston and the transverse wall” Remains.

Claims 1-5, 19 and 20 were rejected under 35 U.S.C. §102(b) as being anticipated by Jandasek (USP 2,793,726). Claims 21-28 were rejected under 35 U.S.C. §103(a) as being unpatentable over Jandasek ‘726. Applicant respectfully disagrees. However, the issue is now moot. The sole claim 1 has been amended to incorporate the limitations of claim 31 which previously depends on Claim 1. Claim 31 has not been substantively rejected.

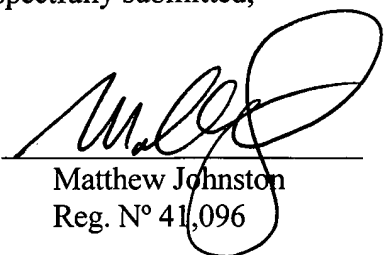
It is respectfully submitted that the above amendments and comments resolve all outstanding issues and place this application in condition for allowance. However, as previously indicated, Applicant has concurrently filed an Appeal Brief regarding the sole remaining rejection of claim 1 under 35 U.S.C. 112 first paragraph.

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Should the Examiner believe additional discussion would advance the prosecution of the present application, please contact the undersigned at the local telephone number listed below.

Respectfully submitted,

By:

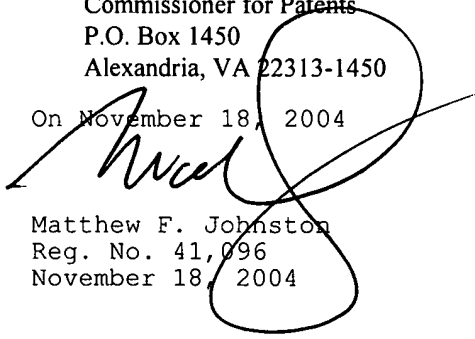

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On November 18, 2004


Matthew F. Johnston
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November 18, 2004